

REMARKS

The courtesy of the Examiner in granting the undersigned attorney a personal interview on January 25, 2006 is gratefully acknowledged. During that interview, several proposed amendments to Claim 43 were discussed in light of the Witzig, Jr. reference. As noted on the Examiner Interview Summary Record, it was agreed that the Examiner would wait for the applicant's written response for further consideration.

Independent Claim 43 has been amended to recite that (1) the panel abuts the roof tile, as opposed to being connected thereto, (2) the upper surface of the opaque tile extends in the plane defined by the roof tile, as opposed to lying therein, and (3) the light directing duct is adapted to extend through a hole formed through the roof, as opposed to a hole on the roof. Dependent Claim 45 has been amended to correct the dependency thereof (which addresses the Examiner's objection to Claim 48) and to correct a minor typographical error. Dependent Claim 50 has also been amended to correct a minor typographical error.

Independent Claim 43 now defines the invention as an apparatus for illuminating an interior of a building including a roof having a hole formed therethrough. The apparatus includes a roof tile that is adapted to be supported on a roof of a building and includes an upper surface having a shape and defining a plane. A panel abuts the roof tile and includes an opaque tile having an opening formed therethrough. A light transmissive element extends across the opening. The opaque tile has an upper surface that is substantially identical in shape to the shape of the upper surface of the roof tile and extends in the plane defined by the roof tile. Lastly, a light directing duct is supported on the panel and is adapted to extend through a hole formed through the roof of the building for directing light from the light transmissive element of the panel to an interior of a building.

None of the art of record shows or suggests this structure. Specifically, the Witzig, Jr. reference does not show or suggest the claimed structure of (1) a roof tile that is adapted to be supported on a roof of a building and includes an upper surface having a shape and defining a plane, and (2) a panel that abuts the roof tile and includes an opaque tile having an opening formed therethrough and a light

transmissive element extending across the opening, wherein the opaque tile has an upper surface that is substantially identical in shape to the shape of the upper surface of the roof tile and extends in the plane defined by the roof tile.

On the contrary, as clearly shown in Fig. 5, the Witzig, Jr. reference merely shows a roof R having an opening formed therethrough, a mounting template 5 that is supported on the upper surface of the roof R, and a plurality of shingles S that cover portions of the roof R and the mounting template 5. The Examiner identified the shingles S of the Witzig, Jr. reference as constituting the claimed roof tile and the mounting template 5 of the Witzig, Jr. reference as constituting the claimed panel. This interpretation does not meet the limitations of independent Claim 43, wherein the opaque tile portion of the panel has an upper surface that is substantially identical in shape to the shape of the upper surface of the roof tile and extends in the plane defined by the roof tile. On the contrary, as clearly shown in Figs. 2 and 4, the upper surface of the mounting template 5 of the Witzig, Jr. reference is quite different in shape (both in surface texture and in overall configuration) from the shape of the upper surface of the shingles S. Additionally, as clearly shown in Fig. 5, the upper surface of the mounting template 5 of the Witzig, Jr. reference does not extend in the plane defined by the upper surface of the shingles S. Thus, the Witzig, Jr. reference does not show or suggest any of these features of independent Claim 43.

With respect to dependent Claim 44, the Examiner identified the chute assembly 70 as constituting the claimed light directing duct and the item 38 as constituting the claimed light transmissive cover. However, there is no item 38 contained in the Witzig, Jr. reference. It is believed that the Examiner intended to refer to the motorized window pane assembly 30 as constituting the claimed light transmissive cover. However, such motorized window pane assembly 30 is not supported on the chute assembly 70, as specifically claimed. Rather, the motorized window pane assembly 30 has a generally elongated frame 32 including a plurality of mounting brackets 34 with holes 35 formed therein for the attachment to the roof R. The chute assembly 70 includes an attaching ring 72 having a plurality of brackets 74 to secure the ring 72 to the bottom side of the frame 32 of the motorized window pane

assembly 30. Thus, the Witzig, Jr. reference discloses that the chute assembly 70 is secured to the frame of the motorized window pane assembly 30, which is the opposite from the claimed light transmissive cover that is supported on the light directing duct. Accordingly, the Witzig, Jr. reference does not anticipate dependent Claim 44.

With respect to dependent Claim 44, the Examiner identified the rings 60 and 72 as constituting the claimed housing having a first end that is supported on the opaque tile and a second end that supports the light directing duct. The outer ring 60 does not appear to be relevant to the structure defined in Claim 44. The ring 72 is attached to the window assembly 30, not to the opaque tile, as specifically claimed. Accordingly, the Witzig, Jr. reference does not anticipate dependent Claim 45.

With respect to dependent Claim 46, the Examiner identified the brackets 74 as being the housing flanges, and appears to have taken official notice that such flanges could be received within a recess formed in the opaque tile. As discussed above, the ring 72 is attached to the window assembly 30, not to the opaque tile, as specifically claimed. Thus, the brackets 74 cannot be received within recesses provided in the opaque tile, as specifically claimed. Accordingly, the Witzig, Jr. reference does not show or suggest the structure of dependent Claim 46.

With respect to dependent Claim 49, the Examiner merely took official notice that a plurality of vent holes could be formed through the housing. This rejection is made without any basis in the prior art and, therefore, is clearly improper. Accordingly, the Witzig, Jr. reference does not show or suggest the structure of dependent Claim 49.

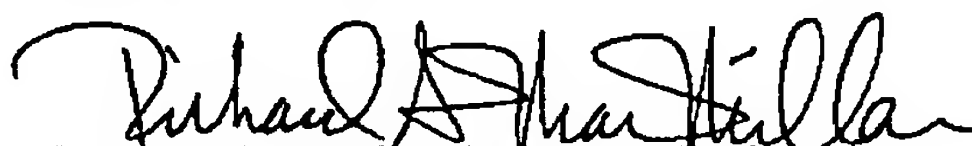
With respect to dependent Claim 50, the Examiner referred to Figs. 1 and 2 of the Witzig, Jr. reference as showing that the upper surface of the light transmissive element was flush with the plane defined by the roof tile. Figs. 1 and 2 of the Witzig, Jr. reference are plan views of the structure disclosed therein and, therefore, cannot accurately show whether the upper surface of the light transmissive element is flush with the plane defined by the roof tile. Fig. 6 of the Witzig, Jr. reference, on the other hand, is a side elevational view of the structure that clearly shows that the upper surface of the light transmissive element is not flush with the plane defined by the roof

tile. Accordingly, the Witzig, Jr. reference does not show or suggest the structure of dependent Claim 50.

New dependent Claim 51 defines the roof tile and the panel as having respective connecting structures provided thereon that cooperate with one another to connect the roof tile to the panel. Such connecting structures are clearly shown in Fig. 1 of the drawings, and the Witzig, Jr. reference does not show or suggest such a structure.

New independent Claim 52 defines the invention as a roof tile for illuminating an interior of a building including a roof having a hole formed therethrough. The roof tile includes an opaque tile including an upper surface that defines a plane and having an opening formed therethrough. A light transmissive element extends across the opening formed through the opaque tile. The light transmissive element has an upper surface that defines a plane that is co-planar with the plane defined by the upper surface of the opaque tile. Lastly, a light directing duct is supported on the opaque tile and is adapted to extend through a hole formed through the roof of the building for directing light from the light transmissive element of the opaque tile to an interior of a building. For the same reasons set forth above in connection with independent Claim 43, the Witzig, Jr. reference does not show or suggest the structure recited in independent Claim 52.

Respectfully submitted,


Richard S. MacMillan
Reg. No. 30,085

MacMillan, Sobanski & Todd, LLC
One Maritime Plaza, Fourth Floor
720 Water Street
Toledo, Ohio 43604
(419) 255-5900